

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1942

SERAPHINE TCHAMABE TCHOKONTE,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-255-648)

Submitted: March 18, 2005

Decided: April 15, 2005

Before MOTZ, KING, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James A. Roberts, Falls Church, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, James A. Hunolt, Senior Litigation Counsel, Marc E. Gordon, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Seraphine Tchamabe Tchokonte, a native and citizen of Cameroon, petitions this court for review of an order of the Board of Immigration Appeals affirming without opinion the immigration judge's order denying her applications for asylum, withholding of removal, protection under the Convention Against Torture, and voluntary departure.* The immigration judge found Tchokonte's asylum application to be frivolous under 8 U.S.C. § 1158(d)(6) (2000), 8 C.F.R. § 1208.20 (2004), and Tchokonte seeks to challenge that ruling as well.

To obtain reversal of a determination denying eligibility for asylum, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Tchokonte fails to show that the evidence compels a contrary result. Accordingly we cannot grant the relief that she seeks. We further uphold the immigration judge's determination

*Tchokonte raises no claim on appeal regarding the Convention Against Torture. Therefore, she has abandoned this claim. See United States v. Al-Hamdi, 356 F.3d 564, 571 n.8 (4th Cir. 2004); Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999). Although Tchokonte seeks to challenge the denial of voluntary departure, "a court of appeals lacks jurisdiction to entertain a request to reinstate voluntary departure." Ngarurih v. Ashcroft, 371 F.3d 182, 193 (4th Cir. 2004).

that Tchokonte's asylum application was frivolous. See 8 C.F.R. § 1208.20 (2004).

Nor can Tchokonte show that she was entitled to withholding of removal under 8 U.S.C. § 1231(b)(3) (2000). "Because the burden of proof for withholding of removal is higher than for asylum--even though the facts that must be proved are the same--an applicant who is ineligible for asylum is necessarily ineligible for withholding of removal under [8 U.S.C.] § 1231(b)(3)." Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004).

We find Tchokonte's due process claims to be without merit. We therefore deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED